IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

WP(C).No. 23706 of 2007(V)

PETITIONER:

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1. SHARON,D/O. LATED TED,
   RESIDING AT MEENATHERIL VEEDU,
   PUTHUKAD, CHAVRA,
   KARUNAGAPPALLY (MINOR) REPRESENTED BY
   THE 2ND PETITIONER.

2. THOBIAS,
   RESIDING AT MEENATHERIL VEEDU,
   PUTHUKAD, CHAVARA, KOLLAM.

BY ADV. SRI.K.SUBASH CHANDRA BOSE

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
   THE PRINCIPAL SECRETARY,
   FINANCE (PENSION) DEPARTMENT,
   THIRUVANANTHAPURAM.

2. OFFICE OF THE ACCOUNTS GENERAL,
   INDIAN AUDIT AND ACCOUNTS DEPARTMENT,
   MG.ROAD, P.B. NO. 560,
   THIRUVANANTHAPURAM.

3. P.O. SAJU,
   S/O. UNNONNI,
   RESIDING AT PALLIKKASSERIL,
   VADAKUMTHALA,
   KARUNAGAPPALLY, KOLLAM.

BY GOVT.PLEADER SMT.SUDHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K. Basheer, J.

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W.P(C) No.23706 of 2007

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Dated this the 3rd day of August, 2007.

J U D G M E N T

Petitioner No.2 is the grand father of petitioner No.1 who is a minor. Smt.Ted, mother of the minor passed away while she was working as a High School Assistant. It is contended by the petitioners that the terminal benefits which petitioner No.1 is entitled to get consequent on the death of her mother, are not being finalised or disbursed by the Department, despite the fact that a request was made to the authorities concerned. Learned counsel invites my attention to Ext.P4 communication sent by the office of the Accountant General, Thiruvananthapuram to the Principal Secretary Finance (Pension) Department in the Government of Kerala seeking the opinion of the Government on the request made on behalf of petitioner No.1. It appears that several litigations are pending between first petitioner's grandfather and respondent No.3, the father of petitioner No.1. I do not propose to deal with those aspects at this stage, in view of the limited prayer made by the learned counsel for the petitioners at the Bar. He submits that petitioners would be satisfied if an appropriate direction is issued to respondent No.1 to do the needful in response to Ext.P4, the communication from the office of the Accountant General, at the earliest.

2. Learned Government Pleader submits that the Government will take a decision in the light of the request made in Ext.P4 by the Accountant General without any delay.

3. In the above facts and circumstances the writ petition is disposed of with a direction to respondent No.1 to consider and pass orders in the matter pursuant to the request made by the Accountant General in Ext.P4, so that the claim for the terminal benefits, family pension etc. made by petitioner No.1 and the other legal heir of the deceased employee can be given a quietus at the earliest. This shall be done as expeditiously as possible, at any rate within two months from the date of receipt of a copy of this judgment. It shall be ensured that Government gives an opportunity of hearing to an authorised representative of the petitioners and to respondent No.3 , before any decision is taken in the matter.

Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance. Similarly copies of the above documents shall also be sent to respondent No.3 by registered post for his information. This shall be done within 7 days from the date of receipt of a copy of this judgment.

A.K. Basheer
Judge.

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